

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TED PARKER FIX,

Defendant.

NO. CR02-5629JET

ORDER

THIS MATTER comes on before the above-entitled Court upon the Ninth Circuit Court of Appeals Order vacating this Court's Order denying petitioner's 28 USC §2255 petition as untimely, and remanding for further proceedings.

Having considered the entirety of the record and files herein, it is hereby

ORDERED that this Court's Order filed March 7, 2003 denying Plaintiff's 28 U.S.C. §2255 motion as untimely is hereby VACATED. It is further

ORDERED that Defendant's motion pursuant to 28 U.S.C. §2255 shall be noted for June 3,

1 2005.

2 The clerk of the court is instructed to send uncertified copies of this Order to all counsel of  
3 record.

4 DATED this 19<sup>th</sup> day of May, 2005.

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6 /s JACK E. TANNER

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8 JACK E. TANNER  
9 SR. UNITED STATES DISTRICT JUDGE  
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